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OTHER DOCUMENTS/ LEGISLATION TO BE REFERENCED:	<ul style="list-style-type: none"> St Nicholas Governance Statement

Purpose

The trustees of the Roman Catholic Church for the Diocese of Maitland – Newcastle as the Approved Provider operates St Nicholas services with an appointed Nominated Supervisor .

The Nominated Supervisor does not have to be on the premises of the service at all times but does in their absence have to place a responsible person in charge.

Policy

St Nicholas will;

- Determine that a Responsible Person will be physically present at our service at all times that children are being educated and cared for.
- Clearly document and display the details of the Responsible Person for educators, staff, families and other users of the service.

- Ensure the process for determining the responsible person be clear to all educators and staff, and followed at all times.

Definitions

For the purpose of this policy:

- The Approved Provider is the legal entity permitted by the regulator to operate St Nicholas
- The Nominated Supervisor is the person with responsibility for the day-to-day management of a St Nicholas service
- The Responsible person is the delegate of the Nominated Supervisor to perform those duties of the Nominated Supervisor during periods of absence by the Nominated Supervisor

Scope

The policy relates to all operations within St Nicholas.

Policy Context

This policy should be read in conjunction with the Staffing and Employment Procedures, Reporting Concerns for Children Policy and the Education and Care Services National Regulations (2011).

Relationships to Standards

Std 4: Staffing Arrangements

Std 7: Leadership and Service Management

Responsibilities

The Approved Provider is responsible for:

- Ensuring there is a Nominated Supervisor or Responsible Person (refer to Background and Definitions) on the premises at all times the service is delivering education and care programs for children.
- Determining the suitability of the appointed Nominated Supervisor and recording this information, ensuring sufficient evidence is gathered during this process. The nominated supervisor must:

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- be 18 years or older
- Have adequate knowledge and understanding of the provision of education and care to children,
- Have the ability to effectively supervise and manage and education and care service,
- Have one of the following qualifications (for Early Education only)
 - Approved Diploma qualification
 - Approved Early Childhood Teaching Qualification
- Have at least three years' experience (full-time or part-time) working as an educator in one or more of the following
 - An education and care service
 - A children's service
 - A service regulated under a former education and care services law
 - A school
- Determining the suitability of a nominated supervisor in regard to:
 - The person's history of compliance with the National Law and other relevant laws
 - Any decision under the law to refuse, suspend, refuse to renew, or cancel a license, approval, registration, certification or other authorisation granted to the person under the National Law and other relevant laws
- Ensuring there is written evidence on the premises of the employee's consent to accept the role of Nominated Supervisor or Responsible person
- Ensuring that the name and position of the Responsible Person in charge of the service is displayed and easily visible from the main entrance of the service (National Law: Section 172).
- Ensuring that the name of the Nominated Supervisor is displayed prominently at the service.
- Notifying the Regulatory Authority in writing if there is a change of person in the role of Nominated Supervisor (Section 56, Regulation 35).
- Ensuring that, in the absence from the service premises of a Nominated Supervisor, the Responsible Person is placed in day-to-day charge of the service.
- Ensuring that the Nominated Supervisor and Responsible Person have a sound understanding of the role of Responsible Person.

The Nominated Supervisor is responsible for

- Providing written consent to accept the role of Nominated Supervisor.

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- Ensuring that, in their absence from the service premises, another Responsible Person is placed in day-to-day charge of the service.
- Ensuring that there is written evidence on the premises of the employee’s consent to accept the role of responsible person.
- Ensuring they have a sound understanding of the role of Responsible Person.
- Ensuring that the name and position of the Responsible Person in charge of the service is displayed and easily visible from the main entrance of the service.
- Developing rosters in accordance with the availability of Responsible Persons, hours of operations and the attendance patterns of children.
- Notifying the Approved Provider and the Regulatory Authority within 7 days of any changes to their personal situation, including a change in mailing address, circumstances that affect their status as fit and proper, such as the suspension or cancellation of a Working with Children Check card or teacher registration, or if they are subject to disciplinary proceedings

The Responsible person is responsible for

- Ensuring effective decisions are made in the absence of the Director/Nominated Supervisor.
- Ensuring all Centre policies and procedures are followed by all staff at all times.
- Ensure the Centre upholds all childcare regulations at all times
- Ensuring they are available to discuss parent concerns/grievances in the absence of the Director/Nominated Supervisor.
- Ensuring the Centre is adequately staffed, safe and devoid of any safety hazards upon opening of the Centre.
- Ensuring that all children have been collected by parents and have left the Centre upon closing of the Centre.
- Ensuring the correct procedures are followed for any children not collected by closing time.
- Ensure the correct procedure is followed regarding Serious accident/incident notifications

Families are responsible for

- Being aware of the Responsible Person at the service on a daily basis.

Legislative/Professional Guidelines

ACECQA Guide to the National Law and National Regulations

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ACECQA Compliance History Statement [files.cecqa.gov.au/files/.../ Compliance%20history%20statement.docx](https://files.cecqa.gov.au/files/.../Compliance%20history%20statement.docx)

Education and Care Services National Law Act 2010: s 5, 44, 56, 106–109, 114, 115, 118, 161, 162, 172, 291(5)

Education and Care Services National Regulations 2014: cl 35, 46–49, 146, 168(2)(i)(ii), 173, 176(2)(c)

ACEECQA National Quality Review: Responsible person requirements for approved providers (Published 30th August 2017).

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